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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/055,712	04/07/1998	HYOUNG-JOO LEE	1317.1028/MD	4304
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER BUI, KIEU OANH T				
ART UNIT		PAPER NUMBER		
2611				
DATE MAILED: 01/15/2004				24

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/055,712

Applicant(s)

LEE, HYOUNG-JOO

Examiner

KIEU-OANH T BUI

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 October 2000 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Please see the attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 3-17, 20-31, 33-36.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: The amendment to the claims changes the scope of the claims and introduces limitations that have not previously consider. For example, "displaying the time information and next program information automatically when the current time reaches a preset terminating time of the currently viewed program" as defined in claims 34 & 35. A new search and further consideration is required.

Response to Arguments

1. Applicant's arguments filed on 10/8/03 have been fully considered but they are not persuasive.

Regarding claim 31, the Applicants argues that since the Examiner mentions in the Final Office Action that the time information is displayed "on demand" indicating that this time information is not displayed "automatically." However, please do not take the Examiner's words literally; and that is eventually not the Examiner's intention to interpret Ellis' reference. "On demand" here is just to explain that whenever the user would like to see the display containing the reminder information of elapsed time of currently viewed programs and about the next program information, the user can set it up accordingly, not the other way around that the Applicants tried hard to interpret. The "automatically" matter here of claim 31 is not a strong or heavy weight factor for allowance, and please take a moment to read the claim language again. The display step here is simply depending on the user input or user setting, as "set by the user prior to program terminating time..." exactly same as the Reminder setting of Ellis' reference (col. 13/line 60 to col. 14/line 26). The "preset time" for automatically popping up the reminder is 5 minutes before the next selected program start. In other words, the display is automatically put up on the screen at least at a preset time of 5 minutes left for the (current viewed) remaining program to finish up for the next program starts at 5 minutes later. Clearly put, there is no novel in this claim at all.

As for claims 33-35, this argument is moot because the Applicants change the scope of the claim by amending the language of the claim AFTER the Final Rejection, i.e., for "the preset terminating time", which is now NOT being considered to enter after the final amendment yet.

Same arguments are applied to claims 1, 12, 13, 17, 17 and 29-30 for at least the same limitation as addressed, and based on the supportive reasons as discussed above, the Examiner stands with the rejection as either disclosed, taught or suggested by Ellis, Young, and Jennings as clearly stated in the Final Office Action.

Conclusion

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 99, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
December 16, 2003



VIVEK SRIVASTAVA
PRIMARY EXAMINER